



PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/500,678
Applicant: Richard Kellerer
Filing Date: December 22, 2004
Title: Collapsible Container Comprising A Container Base and Four Collapsible Lateral Walls

Art Unit: 3727
Examiner: Unknown

Attorney Docket: BHB167A US

Petition For Maintaining Filing Date as Date of Deposit

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition is to request the originally assigned filing date of July 2, 2004; the date of deposit of the above-identified application pursuant to the requirements of 37 C.F.R. §1.10 as well as to reissue a corrected filing receipt designating the correct filing date of July 2, 2004.

The following documents were mailed using Express Mail to the Patent Office on July 2, 2004: §1.10 Certificate; Transmittal Letter to DO/EO/US Concerning a Filing under 35 U.S.C. §371 with filing fee check for \$974.00; Application in English with Claims, Abstract and Drawings; Notification of the Recording of a Change; International Search Report;

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International Publication; Preliminary Amendment; Substitute Specification, Marked Up Version of Application; and Postcard.

A copy of the return receipt postcard is attached as Exhibit A that shows that all of these documents were received and granted a filing date of July 2, 2004. At that time, a declaration was not included with the application. However, an executed declaration was submitted to the Patent Office on December 22, 2004 with a \$130.00 late filing fee. A copy of the return receipt postcard is included as Exhibit B to show the date of receipt to be December 22, 2004. On January 27, 2005, a filing receipt was received indicating the application had been given a filing date of December 22, 2004.

Granting of this petition is respectfully requested based on the following:

MPEP §506(f)(1) states as follows:

“...if an application has been accorded a filing date pursuant to paragraph (b) of this section does not include an oath or declaration by the applicant pursuant to §§1.63, 1.162 or §1.75, and applicant has provided a correspondence address (§ 1.33(a)), applicant will be notified and given a period of time within which to pay the filing fee, file an oath or declaration in an application under paragraph (b) of this section, and pay the surcharge required by §1.16(e) to avoid abandonment.”

Applicant's attorney submitted a correspondence address on the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US), filed July 2, 2004, Concerning a Filing Under 35 U.S.C. 371, a copy of which is enclosed herewith as Exhibit C. Applicants' attorney has never been notified by the Patent Office and given a period of time within which to file an oath or declaration.

Applicant's attorney respectfully requests the date of deposit, July 2, 2004 be given as the filing date for the above-identified application in view of the fact that the filing fee was

paid, the specification, claims and drawings were submitted, the executed declaration and late filing fee was paid and no notice was ever received from the Patent Office setting a period of time within which to file a declaration. Applicant's attorney respectfully requests that a new filing receipt be issued reflecting the original filing date of July 2, 2004.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



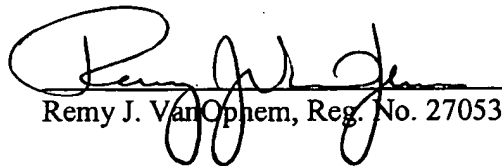
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Certificate under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 16, 2005.

Date: February 16, 2005



Remy J. VanOphem, Reg. No. 27053